

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
JAN 13 2011

UNITED STATES OF AMERICA

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§

v.

NORMAN VARNER

DAVID J. MALAND, CLERK  
BY DEPUTY \_\_\_\_\_

NO. 4:11CR 14

(Judge *Schell*)

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**Count One**

**Violation:** 18 U.S.C. § 2252(a)(2) and  
(b)(1) (Attempted Receipt of Child  
Pornography)

From on or about April 1, 2010 until on or about June 1, 2010, in the Eastern District of Texas, **Norman Varner**, defendant, did knowingly attempt to receive visual depictions, that had been transported in interstate and foreign commerce, by any means including by computer, and the production of such visual depictions involved the use of a minors engaging in sexually explicit conduct and the visual depictions are of such conduct. Specifically, **Varner**, using a peer-to-peer software program and the internet, attempted to receive visual depictions of minors engaged in sexually explicit conduct.

In violation of 18 U.S.C. § 2252(a)(2) and (b).

**Count Two**

**Violation:** 18 U.S.C. § 2252(a)(4)(B)  
and (b)(2) (Possession of Child  
Pornography)

On or about June 1, 2010, in the Eastern District of Texas, **Norman Varner**, defendant, did knowingly possess matter, specifically a Compaq Presario computer, that contained a visual depiction of sexually explicit conduct of minors that had been mailed, shipped and transported in interstate and foreign commerce, by any means, including by computer, and which were produced using materials that had been mailed, transported, and shipped in interstate and foreign commerce.

Specifically, the visual depiction possessed by **Varner** is described as:

FILE NAME	DESCRIPTION
Brother and Young Virgin Sisters 1st Penetration -See her first ever climax 1m 54sec into this Amat.mpg	A video clip depicting sexually explicit conduct involving a prepubescent female and a nude minor male, including vaginal penetration and the lewd and lascivious exhibition of the genitals of the prepubescent female.

The production of such visual depiction involved the use of minors engaging in sexually explicit conduct and such depiction is of such conduct.

In violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2).

**Notice of Intent to Seek Criminal Forfeiture**

As the result of committing the offenses alleged in this Indictment, **Norman Varner**, defendant, shall forfeit to the United States his interest in the following property,

including, but not limited to:

1. Compaq Presario computer (Serial #2CE8465GXH)
2. Western Digital External hard drive (Serial #WMAM9DH84857)
3. HP Mini II computer (Serial #CNU94196WS)

This property is forfeitable pursuant to 18 U.S.C. § 2253(a) based upon the property being:


- (1) any visual depiction described in section . . . 2252 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; or
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the defendant has in this property is vested in and forfeited to the United States pursuant to 18 U.S.C. § 2253.

A TRUE BILL

MOB  
GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
MANDY GRIFFITH  
Assistant United States Attorney

1/12/2011  
Date

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FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

NORMAN VARNER

§  
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NO. 4:11CR\_\_\_\_\_  
(Judge \_\_\_\_\_)

**NOTICE OF PENALTY**

Count One

**Violation:** 18 U.S.C. § 2252(a)(2) and (b)(1)  
Attempted Receipt of Child Pornography

**Penalty:** Imprisonment for not less than five (5) years and not more than twenty (20); but if the defendant has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography or sex trafficking of children, such person shall be imprisoned for not less than fifteen (15) years and not more than forty (40); a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

**Special Assessment:**\$100.00

Count Two

**Violation:** 18 U.S.C. § 2252(a)(4)(B) and (b)(2)  
Possession of Child Pornography

**Penalty:** Imprisonment for not more than ten (10) years; but if the defendant has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military

Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography or sex trafficking of children, such person shall be imprisoned for not less than ten (10) years and not more than twenty (20); a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

**Special Assessment:**\$100.00